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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,710

Applicant(s)

KAPLAN ET AL.

Examiner

Md S Elahee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 10/03/03. Claims 1-36 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 1, 2, 6, 7, 9, 13, 15-19, 22, 23, 27, 28 and 32 are objected to because of the following informalities: regarding claims 1, 2, 7, 9, 13, 22, 23, 27, 28, 32, the acronym (such as POTS CPE) used in the claims should be abbreviated. Appropriate corrections are required.

Regarding claims 6 and 9, the phrase "said second module" appears to be "said control module" and regarding claims 15-19 and 22, the phrase "The apparatus of claim 1" appears to be "The apparatus of claim 13". Appropriate corrections are required.

Regarding claim 27, on page 16, in line 29 and 30, the phrase "between said first port one of said POT CPE ports" appears to be "between said first port and one of said POT CPE ports". Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2645

5. Claims 1-5, 7-10, 13-23, 27-30, 32-34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ardon (U.S. Patent No. 5,699,419).

Regarding claim 1, Ardon teaches a first connection between control unit 804 and line 806 (i.e., first port) adapted for connection to a telecommunication network (fig.7; col.9, lines 4-7).

Ardon further teaches a second connection between control unit 804 and telephone 802 (i.e., POT CPE port) adapted for connection to a telephone 802 (i.e., POT CPE) (fig.7; col.9, lines 1-4).

Ardon further teaches a switch matrix 814 (i.e., switch) interposed between the first connection (i.e., first port) and the second connection (i.e., POT CPE port) (fig.7; col.9, lines 1-23).

Ardon further teaches a processor, responsive to one or more FSK signals (i.e., special service messages) originating at a tandem (i.e., central office) and received via the first connection (i.e., first port), for configuring the switch matrix based on information contained in the one or more FSK signals terminating calling line identification (TCLID), where the FSK signals belong to a finite set that includes terminating calling line identification (TCLID) (i.e., called party ID message, and excluded caller ID message (fig.7; col.9, lines 1-23; 'processor' reads on the claim 'control module').

Ardon further teaches a signaling unit 818 (i.e., signaling detection module) responsive an off-hook condition at the second connection (i.e., POT CPE port) for applying an off-hook detection signal to the processor (fig.7; col.9, lines 24-26).

Art Unit: 2645

Regarding claim 2, Ardon teaches that the processor causes delivery of a call (i.e., message) to the second connection (i.e., POT CPE port), the call is taken from a set that includes an alert signal (i.e., message) (fig.7; col.9, lines 1-23).

Regarding claim 3, Ardon teaches that one or more FSK signals (i.e., special service messages) are embedded in an alert signal (col.9, lines 1-23).

Regarding claim 4, Ardon teaches that the alert signal contains inherently ringing signal bursts within a ringing cycle (col.9, lines 1-23).

Regarding claim 5, Ardon teaches that the processor includes an associated memory, and affects the switch matrix based on information stored in the memory and information contains in the one or more FSK signals (i.e., special service messages) (fig.7; col.9, lines 1-23).

Regarding claim 7, Ardon teaches that the signaling unit 818 (i.e., signaling detection module) operates to cause the processor to establish a connection between the first connection and the second connection when the signaling unit determines an off-hook condition at the second connection (i.e., POT CPE port) (fig.7; col.9, lines 24-26).

Regarding claim 8, Ardon teaches that the FSK signals (i.e., special service messages) comprises an alerting signal (i.e., coded ringing signal) (col.9, lines 1-23).

Regarding claim 9, Ardon teaches a signaling unit (i.e., ringing signal generator) responsive to the processor, for applying an alerting signal (i.e., ringing signal) to the second connection (fig.7; col.9, lines 1-23).

Regarding claim 10, Ardon teaches that the alerting signal (i.e., ringing signal) is inherently a coded ringing signal.

Art Unit: 2645

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Ardon further teaches a processor, coupled to the two terminals for decoding TCLID (i.e., called number information) embedded in the alerting signal (abstract; fig.7; col.9, lines 1-23; 'processor' reads on the claim 'control module').

Regarding claims 14, Ardon teaches that the TCLID (i.e., called number information) is embedded in an alerting signal inherently in the form of ringing signal burst within a ringing signal (abstract; fig.7; col.9, lines 1-23).

Regarding claim 15, Ardon teaches a display responsive to the processor (fig.6; col.3, lines 20-29).

Regarding claims 16 and 28, Ardon teaches a signaling unit 818 (i.e., an offhook detector) connected to the first connection (i.e., first port), for applying an off-hook detection signal to the processor (fig.7; col.9, lines 24-26).

Regarding claim 17, Ardon teaches that the processor detects called number information in the FSK signal (i.e., special service message) (abstract; fig.7; col.9, lines 24-26).

Regarding claim 18, Ardon teaches that the FSK signal (i.e., special service message) is in the form of digital information preceding, or following a first ringing signal burst (abstract; fig.7; col.9, lines 24-26).

Regarding claims 19 and 33, Ardon teaches that the processor compares information decoded from the FSK signal (i.e., special service message) to one or more pre-stored numbers within the processor (abstract; fig.5, fig.7; col.8, lines 1-21).

Regarding claim 20, Ardon teaches that the processor detects an FSK signal (i.e., special service message) that includes a number to be stored, and causes the signaling unit (i.e., second

Art Unit: 2645

module) to inherently store the number so as to include the stored number among the one or more pre-stored numbers (abstract; fig.5; col.8, lines 1-21).

Regarding claim 21, Ardon teaches that the number to be stored arrives at the signaling unit (i.e., second module) in the same signaling format that all other FSK signals (i.e., special service messages) have (abstract; fig.5; col.8, lines 1-21).

Regarding claim 22, Ardon teaches a FSK converter (i.e., second signaling detector), responsive to signals from the second connection, for receiving a number to be stored in the processor (abstract; fig.5, fig.7; col.8, lines 1-21).

Regarding claim 23, Ardon teaches a FSK converter (i.e., second signaling detector), is responsive to DTMF or pulse signaling from the telephone terminal (fig.5; col.8, lines 1-21).

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claims 1 and 13. Furthermore, Ardon further teaches a plurality of connections between telephone lines 421-42N and Switch 410 (i.e., POT CPE ports) (fig.5, fig.7; col.8, lines 1-21, col.9, lines 1-23).

Ardon further teaches a plurality of switch matrices (i.e., switches), each switch matrix is interposed between the first connection (i.e., first port) and the second connection (i.e., one of POT CPE port) (fig.7; col.9, lines 1-23).

Regarding claim 29, Ardon teaches at least one of the switch matrices is inherently a normally closed switch (fig.5, fig.7).

Regarding claim 30, Ardon teaches at least one of switch matrices is inherently a normally open switch (fig.5, fig.7).

Art Unit: 2645

Regarding claim 32, Ardon teaches identifying the terminating calling line identification (TCLID) (i.e., called number ID) is embedded in the alerting signal (fig.4, fig.6; col.3, lines 7-33).

Ardon further teaches comparing inherently the terminating calling line identification (TCLID) (i.e., called number ID) to at least one pre-stored number (fig.4, fig.6; col.3, lines 7-33).

Ardon further teaches that ascertaining whether at least one other call attribute is met (fig.4, fig.6; col.3, lines 7-33).

Ardon further teaches applying a ringing signal to the telephone when the at least one other call attribute is met and the terminating calling line identification (TCLID) (i.e., called number ID) matches one of the at least one pre-stored numbers (fig.4, fig.6; col.3, lines 7-33).

Regarding claims 34 and 36, Ardon teaches that at least one call attribute includes terminating calling line identification (TCLID) (i.e., any one or more from a set that includes caller ID, called number ID, time of day, date, and type of call) (fig.7; col.9, lines 1-23).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 11, 12, 24-26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ardon (U.S. Patent No. 5,699,419) and in view of Swan et al. (U.S. Patent No. 6,134,320).

Regarding claim 6, Ardon fails to teach a time-of-day clock coupled to the second module, to assist the control module to affect the switch. Swan teaches a TOD clock (i.e., time-of-day clock) coupled to the processor, to assist the processor to affect the on-hook/off-hook switch (col.6, lines 15-21, col.7, lines 8-11; 'processor' reads on the claim 'second module' and 'on-hook/off-hook switch' reads on the claim 'switch'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ardon to allow a time-of-day clock coupled to the second module, to assist the control module to affect the switch as taught by Swan. The motivation for the modification is to have doing so in order to provide the time and date information.

Regarding claims 11 and 25, Ardon teaches that the FSK signals (i.e., special service messages) indicate that a connection with the apparatus is sought to be established to a terminating calling line identification (TCLID) (i.e., called number) that is listed in a directory that is accessible to everyone (fig.4, fig.6, fig.7; col.3, lines 7-33, col.9, lines 1-23).

Ardon further teaches that the FSK signals (i.e., special service messages) indicate that a connection with the apparatus is sought to be established to a terminating calling line identification (TCLID) (i.e., called number) that is unlisted in a directory that is accessible to everyone (fig.4, fig.6, fig.7; col.3, lines 7-33, col.9, lines 1-23).

Ardon fails to teach "said special service messages indicate the calling number that seeks to establish a connection with said apparatus". Swan teaches that the incoming calls indicate the calling number that seeks to establish a connection with the apparatus (col. 7, lines 8-11, col. 9, lines 10-18; 'incoming calls' reads on the claim 'special service messages'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

Art Unit: 2645

Ardon to allow the special service messages indicating the calling number that seeks to establish a connection with the apparatus as taught by Swan. The motivation for the modification is to have doing so in order to provide the calling party telephone number.

Ardon fails to teach that the ringing signal is coded to indicate time of day. Swan teaches that the ringing signal is selected to indicate Time Of Day (TOD) clock (col. 7, lines 8-11, col. 9, lines 19-35; 'ringing signal is selected' reads on claimed 'said ringing signal is coded'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ardon to allow the ringing signal is coded to indicate time of day as taught by Swan. The motivation for the modification is to have doing so in order to provide the time and date information.

Regarding claims 12, 26 and 35, Ardon fails to teach "said type of call is taken from a set that includes collect call, cellular calls, international calls, fax calls, modem calls, and credit card calls". Swan teaches that the call is selected based on the incoming caller CLID information (col. 9, lines 19-35; 'call is selected' reads on claimed 'type of call is taken' and 'the incoming caller CLID information' reads on the claim 'collect call, cellular calls, international calls, fax calls, modem calls, and credit card calls'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ardon to allow the type of call being taken from a set that includes collect call, cellular calls, international calls, fax calls, modem calls, and credit card calls as taught by Swan. The motivation for the modification is to have doing so in order to provide the selection of the call based on the caller ID information.

Regarding claim 24, Ardon fails to teach "a hardware address". Swan teaches a hardware address (col.7, lines 21-23). Thus, it would have been obvious to one of ordinary skill in the art

Art Unit: 2645

at the time the invention was made to modify Ardon to allow a hardware address as taught by Swan. The motivation for the modification is to have doing so in order to provide the MAC address.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ardon (U.S. Patent No. 5,699,419) and in view of Shalev (U.S. Patent No. 6,570,984).

Regarding claim 31, Ardon teaches a FSK converter (i.e., first module) coupled to the first tip-ring pair for decoding the FSK signals (i.e., special service messages) embedded in the alerting signal (abstract; fig.2; col.6, lines 42-65).

Ardon fails to teach a series connection of a ringer and a ringer switch, across first port. Shalev teaches a series connection of a ring generator (i.e., ringer) and a ringer switch, across the tip and ring wires (fig.1b; col.6, lines 15-21; 'tip and ring wires' reads on the claim 'first port'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ardon to have a series connection of a ringer and a ringer switch, across the first port as taught by Shalev. The motivation for the modification is to have doing so in order to feed the ringing voltage to all ringing subscriber lines for which all connected equipment is on-hook.

Ardon further teaches a series connection of hybrid (i.e., telephone circuitry) and a hook switch, across the tip-ring pair (i.e., two terminals) (fig.2; col.6, lines 8-20).

Ardon further teaches a microprocessor (i.e., processor), responsive to the FSK converter (i.e., first module), for controlling state of the audio device (i.e., ring generator) (fig.2; col.6, lines 42-65).

Art Unit: 2645

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE
December 12, 2003

FAN TSANG
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